

Enforcement Confidential/FOIA Exempt

2016 END OF YEAR APPRASIAL

(October 1, 2015 – September 30, 2016)

Mike Rudy

CE 1: Contracts Management:

- **Upper Animas, 08-5M (Task Order) – Litigation Notebooks of Viable PRPs**
 - Completed significant/pertinent information to pierce corporate veils concerning two viable and sophisticated PRPs for multi-million Remediation/Removal actions.
 - “A colorful argument exists for the parent companies having liability.” Richard Sisk
 - **Results saved DOJ significant time and money with contracting for litigation support concerning a financial expert.**
- Post Support for Gold King Mine Release Support
 - Parcel/pipeline mapping (Access)
 - Property title research for access support (Access)
 - Financial assessment information/ability to pay (Hennis)
 - Clean title services (i.e., Herbert Placer/GK Water Treatment)
 - Being ahead of the power curve greatly helped enforcement and legal in post Gold King Release activities
- **Illinois Gulch Site, A8-88 (Task Order)**
 - Identified Two Viable PRPs (BNSF RR and Trans-America/ TABR Realty Services, LLC)
- **Bonita Beak Mining District Site, A8-M5 (Task Order)**
 - Conducting six PRP searches (Letter Reports), Mineral Creek
 - Created the new Letter Format as part of the Tronox Investigations
 - Conducting Ability to Pay, Hennis and companies
 - **Instrumental in DOJ agreeing to conduct corporate veil perching and obtaining financial analysis expert, an estimated \$50K to \$70K savings**
- CLEAR Contract Work Assignment Manager and In-house trainer. Procured for additional three years. Point of Contact for all searches and training for staff.
- Succeeded 40 Hour COR II training requirements, by having 97 hours w/all required courses

CE 2: Effective Cost Recovery:

- Upper Animas Site, 08-5M – Developed cost recovery strategy that resulted in **10 million dollar** (i.e., an increase of \$4M from 2013) offer from PRP. Obtained and analyzed thousands of pertinent pages of PRP information via CERCLA 104es to support strong litigation referral.

- Key staff on preparing CRDDs with new format, which has made the CRDD process significantly more effective and efficient.
- Complex \$1.7M CRDD, Henson Creek Mine and Mill Site, 08-LJ (Ute Ulay), 5/2016
- North Salt Lake HazMat, A8-92, North Salt Lake HazMat, A8-92 developed a unique cost recovery strategy to recover Site costs from DLA/DOD (as an arranger) on an otherwise Site with little cost recovery potential. **Approx. \$550K settlement w/DoD likely 1Q 2017**
- Illinois Gulch Site, A8-88, Two PRPs, **Likely approx. \$2M PRP lead removal, 2Q, 2017**
- Tronox Bankruptcy Settlement – Initiated an enforcement strategy to identifying legacy PRPs in Region 8 to obtain funding from a \$135M settlement. **The total Region 8 claim is a minimum of \$32 million – pending increase with Red Mt (approx. 10M).**
 - Identified legacy PRPs on Tomichi Mills and Tallahassee Creek
 - Identified legacy PRPs on 40% to 60% of 27 investigations
 - Red Mountain, legacy PRP ownership from 1967 to 2011

CE 3: PRP Search:

- **Started PRP Searches (SCAP-014 QV):**
 - Illinois Gulch, A8-88
 - Emancipation Mine A8-E6, (w/Shawn)
 - Camp Bird Mine/Mill, A8-H9, (w/Shawn)
 - Beaver Wood Site Products Site, 08-LF
 - NPL Search Bonita Peak Mining District, A8-5M, 6/23/16
- **Completed PRP Searches (SCAP-014 QV):**
 - Henson Creek Mines Site, 08-LJ, Start: 4/12/12 and Completion: 3/16/16 (Contractor Search), with 104es
 - Illinois Gulch Site, A8-88, Start: 8/5/15 and Completion: 3/15/16 (Contractor Search) with 104es (one pending)
 - Tomichi Mill Site, 08-UM, Start: 3/3/13 and Completion: 3/16/16 (Reference Summary)
 - Red Arrow Drums, A8-E3, Start: 9/25/14 and Completion: 3/17/16 (Reference Summary), with 104es
 - North Salt Lake Haz Mat, A8-92, 9/22/16 (Reference Summary) with 104es
 - Cripple Creek & Victor Gold Mine, 08-VV (Reference Summary)
 - Great West Gold and Silver Site, A8-A3 (Reference Summary)
 - Further Assisted Staff on Approximately 15 to 20 Additional PRP Searches. **Involvement on all completed investigations.**
- **On-going PRP Searches (SCAP-014 QV):**
 - Bueno Mill & Mine Site, 08-F

- Philipsburg Mining Area, 08-VU
- St. Kevin Gulch Watershed, 08-MP
- Further Assisted Staff on PRP Searches. Involvement on most on-going investigations.
- Help develop the PRP Search Reference Summary for ENF-RC. Reviewing most of the staff's formal baseline PRP Search Reports, Statements of Work. Reviewing and certifying all PRP Search Reference Summaries for ENF-RC.
 - Managing over 50 sites/sites/searches (assigned), 27 Tronox, 10-15 assisting/mentoring for a total of approximately 80 PRP search investigation involvement. Involvement in almost all PRP Starts, ongoing, and completes.
- PRP Search Enhancement Team
 - Catalyst in new National Corporate Records Database
 - Presenter at PRP Search Enhancement Conference (Interviews)
 - Highly rated presentation

CE4: Effective Enforcement:

- Litigation Referrals:
 - NORTH SALT LAKE HAZMAT SITE CERCLA 08-2016-0041
5/04/2016 Referred to DOJ Cost Recovery
 - RED ARROW GOLD CORPORATION CERCLA 08-2016-0022
2/11/2016 Referred to DOJ Lien
 - BONITA PEAK MINING DISTRICT, 8/26/16, New Mexico vs EPA
Litigation
- Bonita Peak Mining District, A8-5M: Working with LEP, ERP, BLM, and State to develop a highly sophisticated enforcement strategy with a viable PRP. The results has produced a draft AOC with a viable PRP lead for removal actions (RI/FS) on two significant site areas.
- Bonita Peak Mining District, A8-5M: Working with LEP and EPR to address long term water treatment and disposal with a PRP with limited assets. The results will be an order with PRP, which ensure the Agency can continue to treat water and dispose of waste on site safely.
- North Salt Lake HazMat, A8-92 developed enforcement strategy (arranger liability theory) on DoD on >\$550K Site
 - Strong liability case on DLA/DoD
 - Litigation Referral
 - Settlement negotiations on-going w/DoD via DOJ
- Assisting Staff on numerous enforcement strategy and search activities on Sites on a routine basis.
- Routinely training/mentoring junior and less experienced staff.

